



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*
Malcolm D. Woolf, *Director*

QUESTIONS AND ANSWERS # 1
Request for Proposals High Resolution Geophysical Resource Survey
For the Maryland Energy Administration
PROJECT NO. DEXR240005
August 13, 2012

Ladies/Gentlemen:

This List of Questions and Answers #1, questions #1 through #10, is being issued to clarify certain information contained in the above named RFP. The statements and interpretations of Contract requirements which are stated in the following questions of potential Offerors, are not binding on the State, unless the State expressly amends the RFP. Nothing in the State's responses to these questions is to be construed as agreement to or acceptance by the State of any statement or interpretation on the part of the vendor asking the question as to what the contract does or does not require. However, if from a particular vendor question(s), it seems as if the vendor has misinterpreted RFP wording referenced in a question, the State's response typically will point out the misinterpretation as part of the answer to the question.

1. **QUESTION:** The Maryland specifications require contractors to use sound sources which operate below dB levels that could cause harassment to marine mammals, however all the geophysical equipment needed to do the work (side scan sonar, subbottom profiler, and boomer/sparker) operate within the known hearing range of marine mammals and exceed those thresholds at source. How does the MEA want contractors to deal with this issue? Mitigation measures can be provided, including Marine Mammal Observers and Passive Acoustic Monitoring Systems on board the vessel if needed.

STATE RESPONSE:

We assume you are referring to RFP Section 2.2.3b Shallow & Medium (Seismic) Penetration Sub-bottom Profilers that states, ".... MEA requires that, where practicable, sound shall be kept below these levels. Note that marine mammal monitoring plans are required by NMFS above these sound thresholds...." The MEA requires that, **where practicable**, the Contractor shall keep sound below the stated dB levels. The Contractor will also be required to have a marine mammal monitoring plan when using equipment that operates above these dB levels. Also, see response to Question #2.

Section 2.2.3b has been amended see Addendum #1. The Contractor must comply with all mandatory project design criteria indicated in BOEM's Mid-Atlantic Environmental Assessment (Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf Offshore New Jersey, Delaware, Maryland, and Virginia, *Appendix B*), including a 500m exclusion zone around listed species. The document is available on-line at:

http://boem.gov/uploadedFiles/BOEM/Renewable_Energy_Program/Smart_from_the_Start/MidAtlanticWEAs_DraftEA.pdf.

2. **QUESTION:** 24 hour survey operations tend to be more cost efficient than 12 hour survey operations. However, if we have marine mammal restrictions (as per comment 1 above), conversations will need to be had with NMFS to see how to deal with mitigation issues during nighttime hours where visibility is limited. Passive Acoustic Monitoring systems can be deployed but exact methods need to be discussed with NMFS and approved. Should pricing be based on a 12 or 24 hr basis for survey operations?

STATE RESPONSE:

There is no requirement within the RFP as to the duration of the survey operations (Phase Two: Excursion Operations) nor are the survey operations required to be priced in such a manner. The RFP requires that the Contractor shall ensure it is in compliance with all federal, state or local laws and regulations regarding its provisioning of services under this contract. Please see RFP Section 1.26 and RFP, Attachment A, Section 25 (Compliance with Laws). It is up to each Offeror in its proposal to discuss the details of its Phase Two: Excursion Operations, in order to meet the deliverable deadlines stated within the RFP.

If night operations are proposed, those operations may require additional mitigation activities. When operating during nighttime or low-light conditions that affect visibility such that an exclusion zone cannot be ensured, then federal agencies may require the Contractor to obtain an Incidental Harassment Authorization. In this case, it is incumbent upon Offeror to demonstrate in its proposal that Passive Acoustic Monitoring Systems or other proposed mitigation technologies are adequately protective of relevant species during night operations. Also, see response to Question #1.

3. **QUESTION:** Please confirm that you require a multi-channel streamer for the boomer/sparker systems. This is implied in the reporting Section 2.4.7 of RFP, but is not directly specified in either the BOEM or MEA equipment specifications.

STATE RESPONSE:

The RFP requirement in Section 2.4.7 states in part, "....Contractor shall provide the complete processes data sets in industry standard formats...." It is up to each Offeror in its proposal to detail how it will achieve the requirements of this section.

4. **QUESTION:** Although the BOEM specifications request boomer sound sources for the higher penetration data sets, we would recommend using a Sparker system since we will be likely encountering sands etc. in the area.

STATE RESPONSE:

We assume you are referring to RFP Section 2.2.3, Shallow & Medium (Seismic) Penetration Sub-bottom Profilers, of the MEA specifications. A sparker system may be proposed by an Offeror. The RFP requirement has been modified to allow conditional use of a sparker system; see Addendum #1.

5. **QUESTION:** How do you wish to ground truth potential benthic habitats (via visual inspection by underwater video and still camera systems, by grab sample with lab analysis, or a combination of both)?

STATE RESPONSE:

If you are referring to RFP Section 2.1.3, Background – High-Resolution Geophysical Survey Requirement, it is merely providing information regarding future activities. This is not a RFP requirement. If you are referring to RFP Section 2.4.9, Results and conclusions of the hazards evaluation, it is up to each Offeror to propose its best solution.

MEA and MD State Agencies are involved in additional studies that will provide further benthic habitat information that will be used by the State to supplement data gathered by and provided by the Contractor to the State, as required in this RFP.

6. **QUESTION:** Based on experience, if we are performing a survey for archeological purposes, line spacing on all geophysical equipment needs to be at 30m. BOEM guidelines are a bit ambiguous on this issue allowing for interpretation that only the magnetometer needs to be conducted at 30m line spacing and the rest of the data can be collected at 150m spacing. However, our experience on BOEM projects is that all data has been required at 30m line spacing. Can you please confirm how you would like us to bid?

STATE RESPONSE:

We assume you are referring to RFP Section 2.3.2, Specific Methodologies. Project-specific characterization will ultimately require additional surveys at higher resolution. For the purpose of this RFP, no data is required to be collected at line spacing tighter than 150m.

7. **QUESTION:** Do you require an archeological assessment report of the collected data by a MD archeologist as part of our proposal?

STATE RESPONSE:

We assume you are referring to RFP Sections 2.4.8 and 2.4.9. Each Offeror is required to propose its solution to these requirements. If an Offeror wishes to propose a MD archeologist, it may do so but it is not required. If a MD archeologist is a subcontractor or a Maryland based employee, the Offeror may also include those items as part of its proposal for economic benefits to the State as allowed in RFP Section 3.4.10.

8. **QUESTION:** Can you provide the .pdf documents showing the lease blocks in a georeferenced format? The drawings provided only show partial block coordinates and may result in pricing variations depending on how the rest of the coordinates are extrapolated.

STATE RESPONSE:

We assume you are referring to Attachment O, Study Area. The longitude and latitude is provided for each of the key points within the study area and are identified in the lower left hand area of Attachment O.

9. **QUESTION:** Page 17 of the RFP requests tie lines to be separated no greater than 1,000m, however BOEM specifications require tie lines at a distance not exceeding 150m. Please confirm 1,000m is the requested separation distance.

STATE RESPONSE:

MEA confirms that 1,000 meters is the requested tie-line separation distance. This separation distance has been coordinated with BOEM.

10. **QUESTION:** Payment terms offered by MEA are monthly payments based on 70% of contract value for the duration of the contract which is expected to be about 15 months. This is a very difficult payment structure for this kind of work since the bulk of costs of the project will be during a small period of time 1-2 months depending on how much survey work needs to be completed. Depending on exactly when the survey campaign is started, we may be looking at several months to recuperate the costs of the work we perform. Usually these projects are invoiced on a milestone basis such as mobilization, data acquisition, and reporting with the cost of each milestone being paid in full (or minus a retainage) within 10-30 days of completion of the task (depending on task – ie mobilization is usually paid quickly and data acquisition and reporting on a Net 30 day basis). Is MEA willing to consider these payment terms or are contractors required to accept the monthly, prorated payment schedule provided in the RFP?

STATE RESPONSE:

We assume you are referring to RFP Section 2.7, Invoicing. Amendment 1 revises the referenced section to reflect payments for completion of each of the three phases of the project and will include a 10% retainage on each phase to be paid upon completion and acceptance by the MEA at contract end.

Should you require clarification of the information provided, please contact me via e-mail or (410) 260-7752 as soon as possible.

Date Issued: August 13, 2012

By:

A handwritten signature in black ink that reads "Maria Ulrich". The signature is written in a cursive, flowing style.

Maria Ulrich
Procurement Officer